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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,035	05/02/2007	Anders Lenning	12400-069	8028

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EXAMINER	
HAUGLAND, SCOTT J	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,035	LENNING, ANDERS	
	Examiner	Art Unit	
	SCOTT HAUGLAND	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-20* is/are pending in the application.

4a) Of the above claim(s) *10,12-17,19 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-9, 11, and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 10, 12-17, 19, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/09.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-9, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 1, lines 11 and 16 is unclear or inconsistent because completion of maintenance of the first energy absorption level (line 11) would preclude maintaining the first energy absorbing level (line 16).

In claim 1, lines 12-13, "a second energy absorbing level" appears to be the same level as recited on line 6 rather than a different one as claimed.

In claim 1, lines 17-18, "an initial belt force" appears to refer to the same initial belt force as recited on line 14 rather than a different one as claimed.

It is not clear how the language "based on the occurrence of a relative movement between two components corresponding to and caused by an initial belt force that is less than a predetermined force" in claim 1, lines 13-15 limits the claimed apparatus since an initial belt force less than a predetermined force would always be applied at some point, even if the belt force subsequently increased.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Clute et al (U.S. Pat. No. 6,616,081).

Clute et al discloses a seat belt retractor comprising: a locking device (17), a force limiter (13) to permit the restricted paying out of the seat belt webbing (9) with the absorption of energy, the force limiter (13) providing a first relatively high energy absorbing level (via section 14) and a second relatively low energy absorbing level (via section 15), and a control mechanism (including 19) operable to select or maintain the first energy absorbing level in response to a crash related electric signal (generated by control unit 39; Fig. 8) and operable to implement, in response to a crash related signal and after maintenance of the first energy absorbing level, either of but not

simultaneously both of selecting a second energy absorbing level based on the occurrence of a relative movement between two components corresponding to and caused by an initial belt force that is less than a predetermined force, or preventing the effective selection of the second energy absorbing level, thereby maintaining the first energy absorbing level, based on the relative movement between the two components corresponding to and caused by an initial belt force that is greater than a predetermined force. The retractor is disclosed as initially being set at the first energy level upon locking of the retractor (10) by the locking device (17) and selection of the second energy absorbing level is dependent upon relative movement between two components of the retractor (10) that is dependent upon initial belt force or time (col. 2, line 53 - col. 3, lines 8). The two components of the retractor are formed by a first part (50 and frame) of a spindle and a second part (12) of the spindle movable relative to the first part. The force limiter comprises an energy absorbing torsion bar (13) connected to the first and second parts of the spindle. The control mechanism includes a radially movable locking element (21) and an inhibiting element (18), the inhibiting element (18) engaging part of the torsion bar (13) between the first and the second sections (14 and 15) thereof, the locking element (21) initially engaging part of the inhibiting element (18) and the second part of the spindle (12) to secure the inhibiting element (18) to the second part of the spindle (12), the locking element (21) being movable to a release position through the control mechanism in which the locking element (21) does not secure the inhibiting element (18) to the second part of the spindle (12) (col. 4, lines 1-14). The locking element is initially retained in an engaged position by blocking element

45 which is in the form of a ring. The blocking element is movable by a control element (28) which is movable by gas generated by pyrotechnic squib (27). Wires supply the electric signal, a part of one wire extending between the first and second parts of the spindle (Fig. 8).

The control mechanism is operable to implement either of but not simultaneously both of selecting a second energy absorbing level based on the occurrence of a relative movement between two components corresponding to and caused by an initial belt force that is less than a predetermined force since the second force level is selected when an initial belt force is less than a predetermined force, e.g., when the initial belt force is maintained and is high enough for a sufficient period of time to cause the number of revolutions of the belt spool required to select the second force level (col. 2, line 65 - col. 3) or the initial belt force is less than a predetermined force and subsequently rises to cause switching to the second force level. While claim 1 only requires the control mechanism to implement one of the two recited actions (selecting a second energy absorbing level or preventing the selection of the second energy absorbing level), the control mechanism is also operable to implement preventing the effective selection of the second energy absorbing level, thereby maintaining the first energy absorbing level, based on the relative movement between the two components corresponding to and caused by an initial belt force that is greater than a predetermined force, e.g., when the initial belt force is greater than the predetermined force, but is not high enough to cause sufficient rotation of the belt spool to bring about switching to the second force level. Switching can occur in other embodiments (col. 2, lines 53-64; col.

5, line 51 - col. 6, line 9) when an initial belt force is less than or greater than a predetermined force.

With regard to claim 18, the wires are inherently configured to be broken and configured to be broken upon relative movement of the first and second parts of the spindle.

Response to Arguments

Applicant's arguments filed 3/7/11 have been fully considered but they are not persuasive.

Applicant argues that applicant's control mechanism selects the lower energy absorbing level when the initial belt force is less than a predetermined force, and not when either a pre-selected time period or pre-selected revolutions of the spool have been exceeded as in Clute et al '081 and that Clute et al does not disclose that the switching device prevents switching from the higher force level to the lower force level when an initial belt force is greater than the predetermined force, thereby maintaining the higher force level (p. 12, first para. of applicant's remarks). However, applicant's claims do not exclude a control mechanism in which time or the number of revolutions of the spool are a factor. In applicant's apparatus, switching of energy absorbing levels occurs only after a certain period of time following the initial loading of the seat belt which delay is required for operation as disclosed (e.g., see pp. 13-14 of applicant's specification). The apparatus of Clute et al prevents switching from first to second energy absorbing level, e.g., if the emergency condition ends before the end of the time

period disclosed at col. 2, lines 53-64 or if the spool is not rotated a sufficient amount (in the case of rotation dependent switching disclosed at col. 2, line 65 - col. 3, line 8) or if a sufficient spool speed or acceleration is not reached (col. 5, line 51 - col. 6, line 9; Fig. 8).

Applicant argues that Clute et al does not disclose that the choice between selecting or preventing depends on the initial belt force being less or greater than a predetermined force and that in Clute et al, even if an initial belt force is greater than a predetermined force, the second energy absorbing level is selected after a pre-selected time threshold or a pre-selected number of revolutions of the spool, which is impossible in claim 1 (p. 12, last para. of applicant's remarks). However, claim 1 does not require that selecting or preventing depends on the initial belt force being less or greater than a predetermined force. Claim 1 recites alternatives on lines 12-18. Only one is required, so, for example, an apparatus in which the control system switches to a second energy absorbing level based on an initial belt force being less than a predetermined force meets the limitations of claim 1, lines 12-18. Selection of the second energy absorbing level after a pre-selected time threshold or a pre-selected number of revolutions of the spool is not impossible in claim 1. As noted above, switching levels is time dependent in applicant's apparatus. In Clute et al, switching to the second energy absorbing level does not have to occur and depends on the specific conditions under which the retractor operates.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The amendments to claim 1 necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/